

REMARKS

Claims 1-25, 28-33 and 36-47 are pending in this application, claims 26, 27, 34 and 35 are canceled without prejudice or disclaimer. By this Amendment, claims 1, 2, 4, 5, 7, 9, 11-15, 18, 22-25, 28-30, 33, 36-39, 41 and 44-46 are amended. No new matter is added. Support for the amendments to the claims 1, 2, 4, 5, 7, 9, 11-15, 18, 22-25, 29, 33 and 41 can be found at least Figures 6A and 6B and the corresponding description in the specification, for example, at paragraphs [0045]- [0048]. Claims 28, 30, 36-39 and 44-46 are amended for form and/or dependency.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Bowers in the February 18, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. The Claims Satisfy The Requirements Of 35 U.S.C. §112, Second Paragraph

Claims 18 and 22-24 are rejected under 35 U.S.C. §112, second paragraph. By this Amendment, claims 18 and 22 are amended responsive to the rejection. As agreed during the personal interview, claims 18 and 22, as amended, satisfy the requirements of 35 U.S.C. §112. Thus, claims 23 and 24, which depend from claim 22, also satisfy the requirements of 35 U.S.C. §112. Withdrawal of the rejection is thus respectfully requested.

II. The Claims Define Patentable Subject Matter

Claims 1, 4, 6, 10, 11, 13, 14 and 18-23 are rejected under 35 U.S.C. §103(a) over International Publication No. WO 00/18226 to Owen et al. (hereinafter "Owen") in view of U.S. Patent Application Publication No. 2004/0029266 to Barbera-Guillem; claims 1, 4, 6, 10, 11, 13, 14 and 18-23 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,586,438 to Fahy in view of Barbera-Guillem; claim 2 is rejected under 35 U.S.C. §103(a) over Owen or Fahy in view of Barbera-Guillem; claims 7 and 8 are rejected under 35 U.S.C. §103(a) over Owen or Fahy in view of Barbera-Guillem and further in view of U.S. Patent No. 6,582,953 to

Brasile; claims 16 and 17 are rejected under 35 U.S.C. §103(a) over Owen or Fahy in view of Barbera-Guillem and further in view of EP 03-37677 to Eudailey et al. (hereinafter "Eudailey"); and claims 5, 12, 15 and 24 are rejected under 35 U.S.C. §103(a) over Owen or Fahy in view of Barbera-Guillem and further in view of U.S. Patent No. 5,681,740 to Messier et al. (hereinafter "Messier"). The rejections are respectfully traversed.

None of the applied references teaches or would have rendered obvious a portable housing that includes more than one lid that forms a substantially airtight seal with the portable housing, as recited in independent claims 1, 9, 13 and 22 (emphasis added). Further, none of the applied references teaches or would have rendered obvious: each of the lids including a pressure control valve that allows pressure inside the portable housing to be varied and to be maintained at a desired pressure, as recited in independent claim 1; at least one of the lids including a pressure control valve that allows the pressure inside the portable housing to be varied, and is configured to restrict the rate at which external pressure changes are transmitted to the inside of the portable housing and to maintain the pressure inside the portable housing at a desired pressure, as recited in independent claim 9; at least one of the lids including at least one of the two devices that allows pressure inside the portable housing to be varied and maintained at a desired pressure, wherein one of the devices is a pressure control valve, and another device is a membrane, as recited in independent claim 13; and each of the lids including at least one of the membranes that allows pressure inside the portable housing to be varied and be maintained at a desired pressure, as recited in independent claim 22.

As acknowledged by the Office Action, none of Owen, Fahy and Barbera-Guillem teaches a portable housing having a plurality of lids. The Office Action asserts that Messier remedies these deficiencies because Messier discloses a housing that is in communication with a first lid (Figure 1:12) and a second lid (Figure 1:102). Further, the Office Action

asserts that it would have been obvious to provide either of the apparatuses of Owen or Fahy with multiple lid fixtures having multiple pressure control valves because Messier teaches that this arrangement is useful as it discourages contamination since an additional barrier is provided. These assertions are respectfully traversed.

Messier does not disclose a portable housing that includes more than one lid that forms a substantially airtight seal with the portable housing, as recited in independent claims 1, 9, 13 and 22. The first cap 12 and second cap 102 of Messier communicate with different containers of Messier. Specifically, the first cap 12 engages the media storage container 10, and the secondary cap 102 engages the secondary container 100, which encloses the media storage container 10 and cap 12, as shown in Figure 2 of Messier. See, col. 8, lines 1-11 of Messier. Thus, Messier discloses two separate containers, and not a container having more than one lid. Therefore, Messier does not does not disclose a portable housing including more than one lid that forms a substantially airtight seal with the portable housing, as recited in the independent claims.

Moreover, the claimed invention would not have been achieved by the alleged combination of the container structure of Messier with the apparatus of Owen or Fahy. As discussed above, Messier discloses two separate containers. Further, Messier teaches that the secondary container minimizes the handling of the media storage container, thus reducing the risk that sterility of bioartificial organ (BAO) may be comprised. See, col. 4, lines 1-5 of Messier. Thus, at best, if the apparatus of Owen or Fahy were modified to include the container structure of Messier, the apparatus of Owen or Fahy would be surrounded by a separate and different container. The alleged modification would thus not result in a portable housing including more than one lid that forms a substantially airtight seal with the portable housing, as recited in the independent claims.

Further, one of ordinary skill in the art would not have had a reason to modify the apparatus of Owen or Fahy to include the container structure of Messier. For example, the cassette 65 of Owen has a handle portion 68 so that the cassette can be easily handled. See, page 10, lines 1-17 of Owen. Additionally, the container 12 of Fahy has a lid 12 that is snapped onto the container 12. Fahy discloses that the lid 12 is sufficient to maintain the sterility of the contents of the organ container 11. See, col. 4, lines 1-4 of Fahy. Thus, an extra lid would not have been necessary to reduce the risk of sterility of the apparatus of Fahy. Further, such a modification, would require additional structural changes to the apparatus of Fahy because the lid 12, which includes a screw 199, immobilizes the pad 14 that prevents lateral and vertical movement of the organ within the container. See, col. 4, lines 20-62 of Fahy.

Moreover, Brasile and Eudailey do not remedy the above-described deficiencies of Owen and Fahy.

Thus, for at least these reasons, independent claims 1, 9, 13 and 22 are patentable over the applied references. Further, claims 2-8, 1-12, 14-21, 23 and 24, which variously depend from claims 1, 9, 13 and 22, are also patentable over the applied references for at least the reasons discussed above, as well as for the additional features they recite.

Withdrawal of the rejections is thus respectfully requested.

III. Rejoinder of Withdrawn Claims

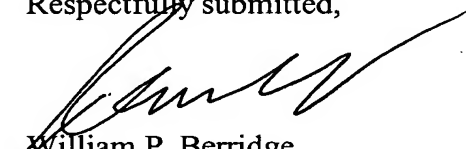
Applicants respectfully request rejoinder of withdrawn independent claims 25 and 33, upon the allowance of at least independent claims 1 and 22, respectively. Independent claims 25 and 33 include features similar to those recited in independent claims 1 and 22, respectively. Thus, upon allowance of claims 1 and 22, rejoinder and allowance of claims 25 and 33, and the claims depending therefrom, are respectfully requested. See MPEP §821.04.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Randi B. Isaacs
Registration No. 56,046

WPB:RBI/hjr

Attachment:
Petition For Extension of Time

Date: March 5, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--